

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN SHOEMAKER, et al.,

Plaintiff,

v.

CONSECO FINANCE SERVICE CORP,

Defendant.

NO. C02-739P

ORDER DISMISSING

On November 8, 2002, the Court issued a minute order staying this case due to bankruptcy proceedings (Dkt. No. 6). On November 22, 2003, the Court removed this case from its active case list. Since that time, nothing has occurred in this case. On January 27, 2006, this Court requested a status report from the parties by February 10, 2006 and warned that the case would be dismissed if no response had been received.

It is now February 17, 2006, and nothing has been heard from the parties in this matter. Local Civil Rule 41(b)(1) provides:

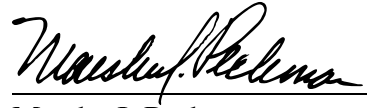
[a]ny case that has been pending in this court for more than one year without any proceeding of record having been taken may be dismissed by the court on its own motion for lack of prosecution. The plaintiff in any such action will be given an opportunity to show cause in writing, or at the court's election in open court, why the case should not be dismissed. A dismissal under this sub-paragraph will operate as an adjudication on the merits, as provided for in Fed. R. Civ. P. 41(b) , unless the court orders otherwise.

This Court finds that no proceeding of record has taken place in this matter for over a year and no response has been given to this Court's Order to Show Cause. Accordingly, this Case is dismissed with prejudice, consistent with the Local Rules.

ORDER DISMISSING-1

1 The clerk is directed to send copies of this order to all counsel of record.

2 Dated: February 17, 2006.

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5 Marsha J. Pechman
6 United States District Judge
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26 ORDER DISMISSING-2